

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: Seroquel XR (Extended Release Quetiapine Fumarate) Antitrust Litig.	Master Dkt. No. 20-1076-CFC
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This Document Relates To: All Actions
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STIPULATION AND [PROPOSED] ORDER

WHEREAS, on February 9, 2023, the Court denied Direct Purchaser Class Plaintiffs, Retailer Plaintiffs, End Payor Class Plaintiffs and the Health Care Service Corporation’s (together, “Plaintiffs”) motion to compel discovery of, *inter alia*, settlement agreements AstraZeneca entered with ANDA filers other than Handa Pharmaceuticals, LLC, and Catalent Pharma Solutions, GmbH, pertaining to their launch of a generic Seroquel XR product, and related negotiation correspondence (D.I. 262) (the “Feb. 9 Order”), finding that such documents were not relevant to any claim or defense in this action (Tr. of Feb. 9, 2023 Hr’g at 7-14);

WHEREAS, on February 23, 2023, Plaintiffs filed a Motion for Reconsideration or Reargument of the Feb. 9 Order (D.I. 266);

WHEREAS, on June 23, 2023, in response to a document subpoena served by Plaintiffs pursuant to Fed. R. Civ. P. 45, non-party Lupin Pharmaceuticals, Inc. (“Lupin”) produced tens of thousands of pages of documents, including the

document beginning with the Bates number LUPIN_SEROQUEL_0028884, a copy of Lupin's settlement agreement with AstraZeneca (the "Lupin Agreement");

WHEREAS, on June 28, 2023, Lupin informed Plaintiffs that it had inadvertently produced LUPIN_SEROQUEL_0028884 and demanded that Plaintiffs destroy it and otherwise abide by ¶ 29 of the operative Protective Order in this case (D.I. 242), citing the Feb. 9 Order;

WHEREAS, on July 5, 2023, Plaintiffs, filed a letter motion pursuant to ¶ 30 of the Protective Order, challenging Lupin's clawback (D.I. 425) (the "Plaintiffs' Clawback Challenge");

WHEREAS, on July 12, 2023, Lupin filed a letter opposing Plaintiffs' Clawback Challenge (D.I. 448);

WHEREAS, on July 13, 2023, the Court denied Plaintiffs' motion for reconsideration (D.I. 456) ("July 13 Ruling"), finding that Plaintiffs had not satisfied the standard for such a motion (Tr. of July 13, 2023 Hr'g at 19:9-14);

WHEREAS, Plaintiffs believe that the Court's rulings on the relevance of AstraZeneca's settlement agreements and negotiation correspondence with other ANDA filers for generic Seroquel XR (including Lupin) were erroneous and do not intend to waive their right to challenge those rulings on appeal;

WHEREAS, based on the foregoing and to conserve judicial resources;

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel, subject to the approval of the Court, that:

1. Plaintiffs will destroy and not otherwise make use of all copies of LUPIN_SEROQUEL_0028884 in their possession and will comply with ¶ 29 of the Protective Order pending any reversal of the Court's orders denying Plaintiffs discovery of the Lupin settlement agreement; and
2. Plaintiffs maintain all appellate rights to challenge the Court's orders finding AstraZeneca's settlement agreements and negotiation correspondence with other ANDA filers for generic Seroquel XR to be irrelevant and to seek the production of Lupin's settlement agreement with AstraZeneca and related negotiation correspondence upon any reversal of the Court's orders denying Plaintiffs such discovery.

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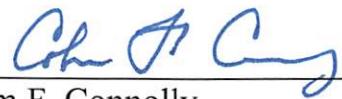
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SO ORDERED this 16th day of August, 2023.


Colm F. Connolly
Chief Judge
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